

1 3. The global settlement requires the payment of \$350,000.00 to the Truck-A-Way
2 Trustee by wire transfer from funds maintained by Blue Ridge in A.G. Edwards Account No. 331-
3 334960 (hereafter "AGE Account"). Said funds (and other assets in the AGE Account) have been
4 frozen by means of an injunction issued by this Court on April 8, 2004 (hereafter "April 8th
5 Injunction") and by a writ of attachment issued in this action when it was pending in the
6 bankruptcy court.

7 4. Under a separate Claims Purchase, Assignment and Release Agreement, (hereafter
8 "Claims Assignment Agreement") to which the Truck-A-Way Trustee is not a party, James D.
9 Burke or an entity owned or controlled by him is also required to pay \$80,000.00 to City National
10 Bank from the AGE Account.

11 5. In accordance with the global settlement, Blue Ridge hereby authorizes the transfer
12 of \$350,000.00 by wire transfer to the Truck-A-Way Trustee from the funds in the AGE Account.

13 6. In accordance with the separate Claims Assignment Agreement, Blue Ridge hereby
14 authorizes the transfer of \$80,000.00 by wire transfer to City National Bank from the funds in the
15 AGE Account.

16 7. Upon payment of the \$350,000.00 to the Truck-A-Way Trustee, and \$80,000.00 to
17 City National Bank, the balance of all funds remaining in the AGE Account shall be released to
18 Blue Ridge, free and clear of any interests of the Truck-A-Way Trustee, City National Bank and
19 any other party to the global settlement or the Claims Assignment Agreement, including any
20 interests arising as a result of attachments or judicial restraints. The release of the balance of the
21 funds in the AGE Account shall be effective upon the termination of the April 8th Injunction, as
22 provided in the separate Stipulation for Termination of Injunctions and Turnover of Property, and
23 Order Thereon, submitted herewith.

24 8. The parties to this Stipulation agree that the April 8th Injunction and any other
25 judicial restraints, including attachments, are lifted with respect to the AGE Account to permit the
26 payments provided under Paragraphs 3 through 7, above.

27 9. After payment of all funds due under the global settlement to the Trustee, the parties
28 shall submit a stipulation for dismissal of the within case.

1 10. This Stipulation may be signed by facsimile in counterparts and the parties agree
2 that the fully executed Stipulation may be submitted to the Court for approval without further
3 notice.

4 || IT IS SO STIPULATED.

6 || Dated: _____, 2005

Michael P. Dacquisto, Chapter 7
Trustee for the Truck-A-Way Estate

9 || Dated: _____, 2005

Blue Ridge Properties, LLC

By

James D. Burke

13 | APPROVED AS TO FORM:

Stevens & O'Connell, LLP

17 || Dated: _____, 2005

By _____
Craig C. Allison, Esq.
Attorneys for Michael P. Dacquis
Chapter 7 Trustee for Truck-A-W

**Nakagawa & Rico
A Professional Association**

23 || Dated: , 2005

By _____
Mike K. Nakagawa, Esq.
Attorneys for Vista Property Development,
Blue Ridge Properties, LLC, and James Burke
& Company

ORDER

The above stipulation is hereby approved.

Dated: June 20, 2005

/s/ Frank C. Damrell Jr.

Honorable Frank C. Damrell, Jr.
United States District Judge